

**MINUTES  
LAKE COUNTY ZONING BOARD  
NOVEMBER 1, 2006**

The Lake County Zoning Board met on Wednesday, November 1, 2006 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, conditional use permits, and mining site plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, November 28, 2006 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

**Members Present:**

Scott Blankenship	District 2
James Gardner, Secretary	District 3
Robert H. Herndon	District 4
Paul Bryan, Chairman	District 5
Donald Miller	At-Large Representative
Larry Metz	School Board Representative

**Members Not Present:**

Timothy Morris, Vice Chairman	District 1
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**Staff Present:**

Carol Stricklin, AICP, Director, Department of Growth Management  
R. Wayne Bennett, AICP, Planning Director, Planning and Development Services Division  
Brian Sheahan, Chief Planner, Planning and Development Services Division  
Rick Hartenstein, Senior Planner, Planning and Development Services Division  
Stacy Allen, Senior Planner, Planning and Development Services Division  
Jennifer Myers, Development Review Supervisor, Planning and Development Services Division  
Mary Harris, Public Hearing Coordinator, Planning and Development Services Division  
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division  
Ross Pluta, Engineer III, Engineering Division  
Sanford A. Minkoff, County Attorney

Chairman Bryan called the meeting to order at 9:05 a.m. He led in the Pledge of Allegiance and gave the invocation. He noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor.

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Adjournment	9:25 a.m.	
Workshop	Summary of 2005/2006 Rezoning, Planned Unit Developments, Conditional Use Permits, and Mining Site Plan Applications Public Hearing Process and Procedures Initiatives for 2006 and 2007 Board Training	

**Minutes**

**MOTION by Donald Miller, SECONDED by Scott Blankenship to approve the October 4, 2006 Lake County Zoning Board Public Hearing minutes, as submitted.**

**FOR: Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**NOT PRESENT: Morris**

**MOTION CARRIED: 6-0**

**Discussion of Consent Agenda**

Chairman Bryan noted that all eight cases to be heard at this public hearing have been placed on the consent agenda, but three speaker cards have been received for Agenda No. 5, PH#59-05-3. Therefore, that case will be removed from the consent agenda and placed on the regular agenda. He explained that anyone wishing to speak should complete a speaker card, which can be found on the table at the rear of this room.

James Gardner referred to the continuance request in PH#53-06-5, noting that he would like the motion to state that it would be to the December public hearing rather than leaving it open ended. Chairman Bryan confirmed that the request was to the December public hearing. Rick Hartenstein, Senior Planner, stated that the owners had recently attended a Umatilla City Council meeting and must make some revisions to their plan. Also, they need some additional reports on the water from St. Johns River Water Management District. Staff cannot move forward with that information lacking.

Larry Metz pointed out that in PH#50-06-2, the request is for a 90-day continuance yet the letter also states that it would be heard at the January 3, 2007 public hearing, which is 60 days. He asked which was correct. From conversations, Mr. Hartenstein said it was his understanding that it was to be heard in January. Chairman Bryan confirmed that this is a 60-day continuance request.

Regarding CUP#06/11/1-2, Mr. Hartenstein said the applicant is requesting a 30-day continuance. There is a change in some of the information that was provided when the staff report was written. Staff needs and the applicant would like the additional time to be able to discuss the new proposals.

Chairman Bryan clarified that all the cases would remain on the consent agenda except Agenda No. 5, PH#59-05-3.

Consent Agenda

<b>CASE NO.:</b>	<b>PH#91-06-5</b>	<b>AGENDA NO.:</b>	<b>1</b>
<b>OWNERS:</b>	<b>Obed O. and Coretta P. Graham</b>		
<b>APPLICANT:</b>	<b>Christopher J. Shipley, Esquire</b>		
<b>CASE NO.:</b>	<b>PH#92-06-2</b>	<b>AGENDA NO.:</b>	<b>2</b>
<b>OWNERS:</b>	<b>David and Beth Wilkinson, Jeffery and Julie Clay, Glenn &amp; Margaret Callin, Debra and Edward P. Jordon II, &amp; Darrell and Christine Clay</b>		
<b>APPLICANT:</b>	<b>Beth Wilkinson</b>		
<b>CASE NO.:</b>	<b>CUP#06/11/2-3</b>	<b>AGENDA NO.:</b>	<b>3</b>
<b>OWNER:</b>	<b>Bruce K. Staley</b>		
<b>APPLICANT:</b>	<b>Jacob Staley</b>		
<b>CASE NO.:</b>	<b>CUP#06/11/1-2</b>	<b>AGENDA NO.:</b>	<b>4</b>
<b>OWNER:</b>	<b>Mark R. Neese</b>		
<b>APPLICANT:</b>	<b>Mark R. Neese/Agroflight Services</b>		
<b>CASE NO.:</b>	<b>PH#87-06-4</b>	<b>AGENDA NO.:</b>	<b>6</b>
<b>OWNER:</b>	<b>YellowFin Properties, LLC</b>		
<b>APPLICANT:</b>	<b>Guy or Catherine Bartels</b>		
<b>CASE NO.:</b>	<b>PH#50-06-2</b>	<b>AGENDA NO.:</b>	<b>7</b>
<b>OWNER:</b>	<b>Clonts Groves, Inc.</b>		
<b>APPLICANT:</b>	<b>Cecelia Bonifay, Esq., Akerman Senterfitt</b>		
<b>CASE NO.:</b>	<b>PH#53-06-5</b>	<b>AGENDA NO.:</b>	<b>8</b>
<b>OWNERS:</b>	<b>Linda Austin and Gerald Braley</b>		
<b>APPLICANT:</b>	<b>Hugh Harling, Jr., P.E.</b>		

**MOTION by James Gardner, SECONDED by Robert Herndon to take the following actions on the above consent agenda:**

<b>PH#91-06-5</b>	<b>Approval</b>
<b>PH#92-06-2</b>	<b>Approval</b>
<b>CUP#06/11/2-3</b>	<b>Approval with conditions</b>
<b>CUP#06/11/1-2</b>	<b>Continuance to 12/06/06</b>
<b>PH#87-06-4</b>	<b>Approval</b>
<b>PH#50-06-2</b>	<b>Continuance to 1/03/06</b>
<b>PH#53-06-5</b>	<b>Continuance to 12/06/06</b>

**FOR:** Blankenship, Gardner, Herndon, Bryan, Miller, Metz

**AGAINST:** None

**NOT PRESENT:** Morris

**MOTION CARRIED: 6-0**

Chairman Bryan stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

CASE NO.: PH#59-05-3

AGENDA NO.: 5

OWNERS: Murry W. and Marsha P. Crawley  
APPLICANT: Steven J. Richey, P.A.

Rick Hartenstein, Senior Planner, said this case has been an ongoing continuance since 2005, awaiting the outcome of the new Comprehensive Plan. Although there is no staff report in their books, Mr. Hartenstein said he has information that would allow him to present the case if that is the wish of the Board. When Chairman Bryan asked if staff was supportive of this continuance request, Mr. Hartenstein said staff has a problem with constantly continuing this case every six months while the applicant is waiting for the new Comprehensive Plan. It would be staff's recommendation that the case should be withdrawn and the applicant reapply at a later time or move forward and accept whatever happens.

Chairman Bryan reminded those who had submitted speaker cards that their comments should be limited to the continuance request; the facts of the case itself should not be discussed at this time.

Mr. Hartenstein added that if this Board should choose to hear this case, in order to provide full information to the Board, staff would request that it be continued until next month with the intent that it will definitely be heard at that time.

When Clyde Rountree of Ferndale said this case would impact his property, Chairman Bryan reminded him that the Board is not hearing the case at this time. Mr. Rountree said he is opposed to the six-month continuance request and wants to have the case heard. He would like to get things on the table that need to be addressed. This property should not be developed in the way it is proposed.

Ed Mitchell, a resident of the Ferndale area, said Mr. Crawley first brought his case before this Board in September of 2005. There have been two six-month continuances granted on this case. The residents in the area Mr. Mitchell lives are totally against this project. They do not want a continuance because they will never support what the owners want. He requested that this Board deny the continuance request.

Jason Ramsey said he was against the continuance as the case has already been continued for quite a while. He lives on CR 561A in this area, and everyone in the area is opposed to this big development. There are a lot of plans for large developments in the area. He owns 23 acres. In response to Chairman Bryan, Mr. Ramsey said he had not been to any of the previous meetings.

There was no one present to represent the case. Chairman Bryan said the applicant may not have come because this continuance request was on the consent agenda.

Mr. Herndon said he could not support a six-month continuance.

**MOTION by Robert Herndon, SECONDED by Donald Miller to continue PH#59-05-3 until the December 6, 2006 Lake County Zoning Board public hearing.**

Larry Metz said his concern is procedural. The applicant is not present because the continuance was on the consent agenda. The cover sheet for this case in the books states that staff concurs with the six-month continuance request. The applicant may have relied upon that statement and did not come to this public hearing. He asked Mr. Hartenstein if the applicant knows that staff is opposed to this continuance. Mr. Hartenstein said he was not aware that a letter was sent to the applicant saying that staff was for or against the continuance request. Mr. Metz said he was not referring to a letter but to the cover sheet for the case where it states that staff concurs with the continuance request. Mr. Hartenstein said the applicant is a very seasoned person with the Board and knows the final decision rests with this Board. When James Gardner asked if Mr. Hartenstein had replied to the applicant's letter of October 24, Mr. Hartenstein said he had not. Therefore, Mr. Gardner said the applicant may not know that staff had concurred with the continuance request. When Chairman Bryan said the applicant may have requested a copy of the staff report, Mr. Hartenstein said the staff report was provided a year ago; it has not changed since that time.

**CASE NO.: PH#59-05-3****AGENDA NO.: 5****OWNERS: Murry W. and Marsha P. Crawley**  
**APPLICANT: Steven J. Richey, P.A.****PAGE NO.: 2**

R. Wayne Bennett, AICP, Planning Director, said the applicant should be here when this Board makes a final determination as to the extent of the continuance. He felt the motion was very much in order as far as the 30-day continuance. At that public hearing, each party's position as to the timing of the continuance can be clarified. Personally he did not support that length of extension. The purpose of the extension was to reach the point of an adopted Comprehensive Plan. That may be more than six months from this day.

**FOR: Blankenship, Herndon, Bryan, Miller, Metz****AGAINST: Gardner****NOT PRESENT: Morris****MOTION CARRIED: 5-1**

Chairman Bryan said he would presume that the applicant could request an additional continuance at the public hearing in December at which time this Board would rehear the continuance request and decide whether to hear it or not. He asked that staff provide the Board with some backup material should the case be heard at that time. Mr. Hartenstein said that would be done.

**Workshop**

Chairman Bryan adjourned the public hearing portion of the meeting at 9:25 a.m. and opened the workshop portion.

R. Wayne Bennett, AICP, Planning Director, distributed a packet of information to be used for discussion during the workshop. He discussed the Zoning Board, Local Planning Agency, and Board of County Commissioners (BCC) case result summary from September of 2005 to September of 2006. He noted that in most cases, the actions of this Board were upheld by the BCC. He commented on the large case load that this Board was able to accomplish.

Regarding the new public hearing procedures, Mr. Bennett said it appears the Zoning Board would like the consent agenda to continue. Chairman Bryan agreed. He noted that it has not been necessary to enforce the new procedure regarding speaker times very often. Scott Blankenship suggested giving additional time to other governmental agencies. Limiting their comments to five minutes can be insufficient time. This has been more of a problem at the BCC level. Chairman Bryan said he has tried to be flexible in determining if additional time is needed. Mr. Blankenship said he did not have a problem with leaving it to the discretion of the chairman.

James Gardner spoke of a brief summary of each case that the Board previously received.

When Donald Miller asked about Zoning Board members visiting the site prior to the public hearing, Sanford A. Minkoff, County Attorney, said County rules allow members to drive by the site; but members cannot go on private property without permission, and speaking to others is discouraged. Discussing a case is a judicial rule that has been waived for the BCC by statute, but it was not waived for this Board.

When Chairman Bryan agreed with Mr. Gardner's statement about the synopsis of the cases and asked if that could be brought back. Mr. Bennett stated that the Development Review Staff (DRS) process is being re-engineered, and it should be in effect by January of 2007. This would involve zoning cases going through the DRS process so there is a formal way for County staff and agencies to provide input on zoning cases. That happens now informally. The end result would be more comprehensive staff reports for this Board. Since zoning cases would be part of the DRS agenda, this Board could be provided copies of the DRS agenda with the zoning cases listed.

Mr. Bennett discussed the new process schedule included in the material he had distributed earlier. At the present time DRS meetings are held every week. Under the new procedure, zoning cases, conditional use permits, and developments of regional impacts will be added to the current DRS agendas. Based on the amount of staff and case load, it will not be possible to continue with the weekly DRS meetings. Therefore, it is staff's recommendation that the DRS meetings be reduced to two meetings, two cycles a month. One of those would be a Zoning Board cycle. There will also be a Local Planning Agency (LPA) cycle. Until a case is ready for this Board to hear it, it should not be brought to the Zoning Board. Continuances should not be a common occurrence.

Mr. Gardner asked if a staff member would be making the determination of insufficiency solely or in consultation with other staff. Mr. Bennett replied that generally a senior planner would make that determination but could seek other input, if necessary.

Mr. Bennett felt that in the future transportation and utility services will be prominent issues for discussion during the DRS process.

There was discussion regarding school concurrency. Scott Blankenship did not feel the School Board should be making a decision regarding whether or not a community should be age restricted. The Zoning Board and BCC should be making that decision. Mr. Bennett said the responsibility of the School Board is to issue a certificate of concurrency. That is done before final plat or site plan. It is after the zoning stage that the applicant must meet the concurrency requirement. Mr. Minkoff said the new concurrency law indicates that once school concurrency is adopted, lack of school capacity cannot be used to turn down a

**Workshop****Page 2**

permit. There is some debate whether or not lack of school capacity can be used to turn down a rezoning after concurrency. That may be an issue to be readdressed by the Legislature. The statute still requires that the School Board receive notice of all rezoning application and be allowed to make comments at the public hearings. The statutes encourage that. In response to Mr. Blankenship, Mr. Minkoff said a mitigation agreement cannot be made with the School Board unless the local government also approves it.

Robert Herndon asked if these procedural changes would have any impact on the processing time for the applicant. Mr. Bennett stated that if the applicant does what the applicant is supposed to do, these new procedures should not change the timeline. However, if the applicant does not provide the needed information, it could extend the time. After the DRS meeting and prior to the Zoning Board public hearing, a summary of the revised staff reports could be provided to the Zoning Board.

Mr. Bennett stated that the adoption of the Comprehensive Plan is pending. He felt that in December of 2006 or January of 2007, the LPA will finish their work and move it forward to the BCC for its consideration. He was hopeful that by mid-2007, there will be an adopted Comprehensive Plan. An update of the Land Development Regulations (LDRs) will begin soon. He would like to continue to have some quick sessions with this Board to keep the members up-to-date as the updates progress.

Regarding Board training, Mr. Minkoff said this Board has had Sunshine Law, ethics, and quasi-judicial training. In February of 2007, the County Attorney's office will be planning another Countywide presentation, probably in the BCC Chambers, on sunshine and public record issues.

There was discussion regarding the importance of including in the motion all conditions that this Board wants to recommend to the BCC so that it is included in the written ordinance if that is the decision of the BCC. Mr. Minkoff agreed that if it is not in the written document, it is not enforceable.

Carol Stricklin, AICP, Director, Department of Growth Management, said staff has had similar concerns regarding representations made to the Board in a public hearing but not captured as a condition in a case. As part of the new public hearing procedures with the BCC, staff has instituted a process to address that. At times when there is public opposition and the applicant is agreeing to certain conditions, staff has asked the chairman to recess the hearing to allow staff and the applicant to negotiate those revised conditions and develop language that is read into the record as part of the proceedings. It can then be formally incorporated into a motion. From a procedural standpoint, the BCC has been very supportive of that change. She said that could also be done at this level. Chairman Bryan said he would be agreeable to following that procedure with the Zoning Board also.

Mr. Blankenship was informed by Sherie Ross, Public Hearing Coordinator, that the minutes from the Zoning Board can now be found on the Internet.

Mr. Gardner said he did not want to see the Zoning Board micromanaging Planned Unit Developments (PUDs). He would prefer leaving it up to the professional judgment of the administrative staff in making those decisions.

Mr. Bennett pointed out that at times an issue may be so complex that a ten-minute recess would not be sufficient. In that case, a continuance to the following month may be necessary. Chairman Bryan said that in the past, cases have been continued for that reason.

**Adjournment**

There being no further business, the meeting was adjourned at 10:15 a.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman